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Committees
Economic Development, Small
Business and Regulatory Reform VC
Families and Human Services VC
Government Operations
Health Policy

The Jacobs Report

FOR IMMEDIATE RELEASE
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HOUSE MEMBERS SCUFFLE OVER AFFIRMATIVE ACTION

Under the higher education budget passed by the House this week, the University of Michigan would lose its entire state appropriation if it grants preferential admissions treatment based on race, religion, creed or national origin.

Legislative leaders gave the amendment, sponsored by Rep. Leon Drolet (R-Clinton Twp.), little chance of sticking and based on past attorney general and court decisions, it stands on shaky legal ground. Universities are guaranteed autonomy in their operations by the Michigan Constitution, and past legislative efforts to revoke funding for certain university policies have been struck down based on the autonomy clause.

Even so, the explosive nature of the amendment triggered an altercation on the House floor involving Detroit Democrats Tupac Hunter, Morris Hood, Jr., and the chief of staff to House Minority Leader Dianne Byrum (D-Onondaga). Particularly upsetting to Hunter and Hood was that four Democrats voted in favor of the affirmative action ban, which would not have otherwise passed. They felt that leadership should have stifled those votes.

The amendment was denounced as "racist" by Rep. Julie Dennis (D-Muskegon), a comment that infuriated Republican leadership. "I am angry that we had a decent bill, and we added an amendment like this that destroys the integrity of the Legislature," she said.

"I think that was an inciting kind of comment," responded Majority Floor Leader Randy Richardville (R-Monroe).

Although the floor scuffle was unusual, it was not the first in recent history.

In the late 1970s, former Rep. Rosetta Ferguson (D-Detroit) threw an ashtray at former Rep. Perry Bullard (D-Ann Arbor) during a floor debate on the decriminalization of marijuana. Bullard, who favored the idea, had just narrowly won a key vote. A motion was made to reconsider the question and as arguments pro and con on the question were advanced, the comments between Bullard and Ferguson became increasingly personal.

At that time, cigarette smoking on the House floor was considered normal behavior. Each desk sported a glass ashtray with the Michigan symbol of the elk and deer standing upright in front of a blue field background. Ferguson reportedly grabbed one of these ashtrays and whirled it at Bullard's head. Accounts vary as to whether or not she actually hit him.

Former Senator Harry Gast (R-St. Joseph) witnessed a similar encounter shortly before the Ferguson-Bullard fracas when lawmaker Dave Holmes (D-Detroit) caused serious injury to a feisty lawmaker, Tom Sharp (R-Howell). "Holmes punched him and broke his jaw," Gast said.

Perhaps the most infamous legislative altercation took place on the Senate floor during the early 1990s when a property tax debate between Senators Gil DiNello (R-Eastpointe) and John Kelly (D-Grosse Pointe) degenerated

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into a fist-fight/wrestling match that spilled over the desk of Sen. John Pridnia (R-Hubbard Lake) and onto the floor.

PARTIAL BIRTH ABORTION BAN SUCCESSFUL

In a somber, emotional debate that often invoked religion, the Legislature approved the initiated petition to ban the partial birth abortion procedure in Michigan, but failed to give the measure immediate effect, meaning that the measure will not take effect until 90 days after the Legislature adjourns sine die. Since the Legislature will likely not adjourn sine die until late December, the measure will not become effective until late March 2005.

The Senate passed the proposal on a 23-12 vote Wednesday morning. The House approved the measure later in the day on a 74-28 vote.

Three Senate Democrats - Jim Barcia of Bay City, Ray Basham of Taylor and Dennis Olshove of Warren - voted with 20 members of the majority Republicans in favor of the proposal. No Republicans voted against the proposal. Sens. Hansen Clarke (D-Detroit) and Shirley Johnson (R-Royal Oak) did not vote. Sen. Laura Toy (R-Livonia) was excused from the session.

In the House, 13 Democrats joined 61 Republicans in favor. Democrats voting "yes": Reps. Rich Brown of Bessemer, Matt Gillard of Alpena, John Gleason of Flushing, Bill O'Neil of Allen Park, Jim Plakas of Garden City, Triette Reeves of Detroit, Joseph Rivet of Bay City, Michael Sak of Grand Rapids, Dale Sheltrown of West Branch, Virgil Smith of Detroit, Doug Spade of Adrian, Alma Stallworth of Detroit and Lisa Wojno of Warren.

Rep. John Stewart of Plymouth was the lone Republican to join 27 Democrats against the petition.

Reps. Glenn Anderson (D-Westland), Ken Daniels (D-Detroit), Jack Minore (D-Flint) and Glenn Steil Jr. (R-Cascade) were absent. Reps. Steve Bieda (D-Warren), Marsha Cheeks (D-Detroit) and Morris Hood III (D-Detroit) abstained.

Opponents of the proposal have said they will challenge the measure in court before it takes effect.

The measure becomes the first initiated act to become law since the Detroit casino proposal was enacted by the voters in the 1996 election.

The debate on the proposal was full of solemnity and bitterness. Supporters frequently invoked their religious beliefs as they called for their colleagues to ban what Sen. Mike Goschka (R-Brant) said, "...flies in the face of faith. We have to live with this not only in this life, but for all eternity."

A weeping Sen. Alan Sanborn (R-Richmond) mourned his siblings lost by miscarriage and said that after he voted for the proposal, "And when I hit my knees tonight, I pray that my Maker will smile down on me and He will say, 'Well done, My good and faithful servant.'"

Sen. Deb Cherry (D-Burton) said the proposal does not take into account the anguish families undergo when making a decision to go ahead with such an abortion because of health concerns. "These are very tragic decisions," she said.

And Sen. Gilda Jacobs (D-Huntington Woods) said the proposal intrudes the government into what should be private medical decisions. "This is an issue families should decide. Government should not be part of the decision," she said, before saying, "If the Michigan Legislature did to business what they do to women, they would be recalled."

The action approving the initiated petition was applauded by the Michigan Catholic Conference, which said the Legislature "stood steadfast today by protecting human life from an abortion procedure that is nothing less than an atrocity."

But Kary Moss, executive director of the Michigan Chapter of the American Civil Liberties Union, said the organization would challenge the measure in court. Ms. Moss said the proposal was an "end-run" around the effort to protect women's reproductive rights.

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The measure would not ban just partial birth abortions, Ms. Moss said, but attempt to ban all abortions.

MARAL Pro-Choice Michigan said the measure was the most extreme attack on abortion rights of any legislation in the nation.

CREDIT SCORING HEARINGS ANNOUNCED BY OFIS

Linda Watters, commissioner of the Office of Financial and Insurance Services (OFIS) today announced that four public hearings on the proposed rules to ban the use of credit scoring in setting automobile and home insurance rates will be held throughout the state.

"I proposed these rules because I believe that using credit scores to determine insurance rates is unfair and does not conform with the requirements of the Essential Insurance Act," Watters said. "These public hearings will give citizens an opportunity to voice their opinions on the issue. I am eager to hear what people from across Michigan have to say."

The dates, times, and locations of the public hearings are:

Monday, July 19, 1 p.m.
Forum, Ground Floor
Michigan Library and Historical Center
702 West Kalamazoo
Lansing
(Handicap assistance phone # 517-373-4454)
(Parking in adjoining lot)

Wednesday, July 21, 1 p.m.
Grand Rapids Commission Chambers
300 Monroe Ave. NW
Grand Rapids
(Handicap assistance phone # 616-456-3027)
(Parking under building)

Monday, July 26, 1 p.m.
Cadillac Place, Room L500
3044 West Grand Blvd.
Detroit
(Handicap assistance phone # 313-456-4001)
(Parking within one block off Grand & Cass)

Wednesday, July 28, 1 p.m.
City Hall, Third Floor Council Chambers
1101 South Saginaw
Flint
(Handicap assistance phone # 810-766-7430)
(Parking off 7th Street)

The proposed ban on the use of credit scoring in setting insurance rates is scheduled to take effect January 1, 2005. OFIS has estimated that insurers will be required to roll back base rates between 10 and 45 percent when the proposed rules take effect.

All Michigan legislation can be tracked at <http://www.legislature.michigan.gov/>.

State Senator Gilda Jacobs represents the 14th Senate District, which includes Beverly Hills, Bingham Farms, Farmington, Farmington Hills, Ferndale, Franklin, Hazel Park, Huntington Woods, Lathrup Village, Oak Park, Pleasant Ridge, Royal Oak Township, Southfield, and Southfield Township. She is the Minority Vice Chair of the Families & Human Services Committee and the Economic Development, Small Business & Regulatory Reform Committee. She also serves on the Government Operations and Health Policy Committees.

Constituents of the 14th District may contact Senator Jacobs at sengjacobs@senate.michigan.gov or toll-free at 1-888-937-4453.

This newsletter is produced in single-space form in order to save paper and transmission costs.

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